

pick our cases. In fact, if anyone had told me that my company would be before the U.S. Supreme Court defending inane comments by Cher and Nicole Ritchie, I would have said you're crazy. But I would contend that the nature of this speech, and who said it, makes absolutely no difference. Because at the core of this case is an absolute threat to the First Amendment. It hinges on utterances that were unscripted on live television. If we are found in violation, just think about the radical ramifications for live programming—from news, to politics, to sports. In fact, to every live broadcast television event. The effect would be appalling.

There is a certain symmetry to the fact that the oral argument in this case and the election of the 44th President of the United States are taking place on the same day: The Fox case, if successful, is an affirmation of the First Amendment. The election is an affirmation of our democratic process. And the two are inextricably intertwined. The First Amendment is central to our democratic process because it ensures a full and open dialogue about the candidates for office. Without the First Amendment, our democracy could not be sustained.

But the truth is, people don't think about defending broadcasters' right to utter expletives in the same way they think about defending one's right to speak critically of our government. But they should. The First Amendment is at stake in both cases. As a media company, we have not just a right but a responsibility to stand up to the government when it crosses that First Amendment line in the sand—even if the content we are defending is in bad taste. And in the indecency context, that line has not only been crossed, it has been obliterated. That is why Fox is fighting the FCC in this and several other indecency cases.

I'll admit: some of the content we are defending is not particularly tasteful: the expletives, the brief nudity, the carefully placed whipped cream and, of course, the pixels. I would not have allowed my own children, when they were younger, to watch some of these shows. But, I vow to fight to the end for our ability to put occasionally controversial, offensive, and even tasteless content on the air.

Why? Because, if the government gets its foot in the censorship door with respect to unpopular entertainment content, it is the beginning of the steep slide toward censoring unpopular political content. And we have seen the beginnings of this downward slide in a recent case where the FCC initially found indecent content in a news program. If we allow our government to intrude into the creative process to censor the "bad words" at issue in the Fox case, I am afraid we will soon reach the bottom of the slide—to America's detriment.

Groups that claim to be interested in "protecting children" are helping the government along in its attempts to censor television. While I don't agree with these groups, I do fully support their right to criticize what's on television. But the job of protecting children is far too important to leave to government bureaucrats or so-called public interest groups. The job of protecting children lies with parents. The job of the government is to resist the views of interest groups with particular agendas and instead to enforce the law in a way that is consistent, fair, and constitutional. So I don't blame these groups for the degradation of the First Amendment. I blame our government, which has succumbed to the views of a particularly vocal minority.

Look, I am not insensitive to the fact that young children need to be protected. And that's difficult in an era of single parent, or two working parent households. But the pro-

tection of children must be considered in a Twenty-First Century light. Nearly every TV set sold today includes a V-Chip, which allows parents to block content they think may be inappropriate for their children. Cable, satellite, and telco video providers have finely-tuned, comprehensive parental controls. And let's not forget the most powerful technology available to parents: the on-off switch. These tools allow adults to protect their kids while still being able to access shows they love.

We as media companies also have a responsibility: to rate shows accurately and consistently so the V-Chip works as it should. And, as I said earlier, we need to be responsible with our creative output. This is something we do on a daily basis through our Standards and Practices departments, not only by exercising editorial judgment but by constantly fine-tuning and improving our internal controls.

Let's step back for a minute and get some perspective on this issue. The indecency law applies only to broadcast TV: that's a handful of channels. Over 85 percent of the country receives their broadcast channels through a cable, telco line, or satellite signal. Sitting right next to the broadcast channels on these multichannel systems are hundreds of other channels that are not subject to the indecency law.

And those other channels are just a click away on the remote control. Nor does the indecency law apply to video-on-demand, pay per view, DVDs, or the mother of all content providers: the Internet. Does it really make sense to continue government censorship of the occasional bad word, brief nudity, or sexual innuendo on a handful of broadcast channels when we live in an environment of infinitely unregulated choices? In the media-rich world we live in, singling out a few channels for indecency enforcement is not legally sustainable.

Quite simply, it is time for the government to get out of the business of regulating "indecent" speech on broadcast TV. The threat it poses to core First Amendment values cannot be justified in our technologically diverse world. Parents have the tools to decide what is appropriate for their children. Let's let parents do their job and fire the government from the job of censoring speech. The First Amendment is too important to our democratic society—in this and future elections—to allow any encroachments to threaten our country's critical freedoms.

Thank you.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and rec-

ommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

We are glad to hear that at least one of our politicians is concerned about how the gasoline prices are affecting the middle class. Most of us feel that our government is extremely out of touch with the majority of the country.

We are retired on a fixed income and we worked hard all our lives and saved to get a motor home for vacations, but unfortunately we now cannot use it because of the price of gasoline and it just sits there. We try to go out shopping for groceries and any other necessities just once a week, making a list of items and stores, color coding so we do not forget anything. The cost of energy also has increased the price of groceries tremendously, so basic foods and produce are the norm—going away with any treats. We have never seen the price of gasoline increase day by day and a nickel to a dime at a time.

We desperately need to have alternate sources of energy, such as coal, windmills, solar and nuclear. We should have been building new refineries and recovering oil off all of our coasts since the 1970s when this same problem came up at that time, but, to our shame, we did not.

Automobiles should get a lot more than the 35 mpg that we have heard mentioned for future vehicles. It should be at the very least 60 mpg, and there is no reason in this world with our technology that this could not be a reality. Something should be done to increase the mileage on all of the vehicles that are already on the road. This is never mentioned. We cannot just go out and buy a hybrid or other fuel efficient vehicle at the drop of a hat to help the situation. We drive our 2002 Honda 4 cylinder between 55 and 60 mph on the highway to increase our fuel efficiency and you should see the bad looks we get. Highway mileage should be lowered to 55 mph like in the 70s to help conserve.

We do hope that our government does something quickly to improve this situation and that it is not handled like it was in the 70s—all talk and no action. We need to be dependent on no one but ourselves for our energy needs. No one is going to take care of the USA and its citizens but the USA itself. We need some action now—Please.

ROBERT AND ROBERTA, *Idaho Falls.*

Thanks for the opportunity to respond to your e-letter regarding energy costs and gasoline prices. I agree that we in the US are far too dependent on petroleum for energy. But I think it is a selfish and short-sighted view to defeat the climate change legislation. Our focus should be, as you mentioned, on using less petroleum, not searching for petroleum everywhere we can, no matter the ecological cost. It is true; we do not have good mass transit in Idaho and especially in the more densely populated Treasure Valley. I think tax dollars would be well spent to improve the mass transit situation in the Valley.

We need to give tax incentives to clean, renewable energy sources and rescind the tax breaks given to the huge oil companies who have been reaping record profits at the expense of all Americans. The answer is in conservation which includes improved mass transit and in alternative transportation where there would be improved avenues for bicycling and walking.

It is true. I will not be driving as far for vacation this year, though I would like to explore areas in Idaho I have not yet seen. It

now becomes an expensive venture just to get to the Sawtooths or White Cloths.

TIM, *Boise.*

I am contacting my Congressman about energy just as you have encouraged your constituents to do. I am in dismay, however, at the continued opportunism and political grandstanding. That is, the only answer I see from many is to drill more oil. Every credible energy scientist and economist knows that this will do little or nothing to curb our foreign oil imports and zero to reduce the cost of fuel. Yet, despite this ever-predictable call for more domestic oil production, you flatly concede that "speculation [is] now driving up the cost of oil." So I ask: why are you and your colleagues still calling for more drilling when you know what it is you can do now to reduce fuel costs? Why are you not regulating "the speculation now driving up the cost of oil"? Commodities speculators are at the heart of extreme oil prices, not supply and demand imbalances. We do not want to hear any red herring arguments about the average Joe's retirement portfolio owning the bulk of oil company shares. The issue is speculation; the answer is regulation of speculation.

JASON, *Moscow.*

Last week I heard on the news that you have received many letters and e-mails related to high gas prices. Hence, I have decided to write in and give you my two cents on the matter.

I believe that the primary culprit that is causing high gas prices is globalization; particularly in the emerging economies of China and India. The rapid growth of their economies has drastically increased their demand for petroleum.

Along with developing a comprehensive energy policy, the executive and legislative branches of our federal government need to re-examine our economic policies, particularly in areas of foreign trade. During the past two decades, the American middle class has gotten the short end of the straw when it has come to previous trade policies. One does not have to look farther than our orchard industry in the Treasure Valley. These trade policies have really only benefitted the very wealthy in our country. When I was in college ten years ago, we talked about globalization in one of my classes and how if China copied the U.S.'s consumption then we would be paying a premium for gas. This is now reality.

In conclusion, too often our government fails to look long-term. It is time for a change. We need to do in-depth independent analysis on our trade policies to determine what the long term effect will be on the average American. Government policies need to benefit society as a whole rather than a few. Our society is too self-centered on the "me" rather than on the collective "community". We also need to have a comprehensive energy policy. This policy needs to be long term and address conservation, efficiency, alternative and renewable sources of energy, and possibly take into consideration additional domestic production of oil with stringent environmental safeguards and firm consequences for those companies that fail to comply with those safeguards.

BRENT DANIELSON, *Boise.*

I am a single father of two sons, 3 years and 13 months old. I am a truck driver. I make decent money and have good benefits. But these fuel prices have gone too far for our society! I am lucky I work at a place where I can get a free bag of potatoes every once in a while because I cannot go grocery shopping because it is all too expensive! Wages have not changed a bit. I am sick of

it and I am losing almost all of my faith in our government and the people representing the common people like me. One of my best friends who was an owner-operator had to quit because diesel got too high for him to profit much at all. Now it is been three weeks and they just got their phone shut off two days ago and their power shut off today. My stimulus money has gone to my power bill, gas bill, rent etc. Sure you do not like to fill up your gas tank but does it cripple you financially like it does many, many people? I think not. I have always stuck up for our local and federal government on many issues and criticized them on other issues, but this time I as well as many people are fed up. Seriously this time, I am to the point now where I am struggling to make ends meet. I have spent over \$60 in the last three days in gas just to get to work and back—that is it! And I am close to empty again and I have to get diapers for my son before I go to work tomorrow. The diaper money is coming out of the power bill money I had put back. You need to sound off and be heard. At least make it known to us that you are voicing our concerns!

CAMERON, *Boise.*

My husband and I are retired, he is military retired and we recently purchased a small travel trailer since he can no longer ride his motorcycle and our maiden voyage with it cost \$300 in gas to go 200 miles round trip! Between gas and food prices, we cannot afford to go anywhere, much less eat out. We have changed our daily living dramatically, and it is not a happy way to be in your retirement years.

We urge you and all of Congress to start drilling in our nation and bring back more nuclear power plants. We must relieve ourselves of dependence on foreign oil ASAP. Lord only knows what our grandchildren have to look forward to at this insane rate!

ANGELO, *Hayden Lake.*

I will get right to the point—my wife and I are out of money. Our incomes have not changed and our incomes used to pay our bills with money to spare. We have a 91 Honda wagon and a 99 minivan, we pay \$50 and \$70 to fill them up. Grocery prices are up 100% in the last couple years because gas prices are killing the trucking industry. Expensive gas has made almost everything else expensive. Today, after filling both our cars with gas and grocery shopping, (with a list, mind you), we ran out of money. For the first time ever, we put groceries on a credit card. We are not credit card people, so this is anathema to us.

When I turn on the TV or radio I hear some politician telling us that drilling will not make a difference for ten years. As an engineering student, I cannot stomach that level of [deception]. First of all, I do not believe that is true and second, if it were true, then we sure better get started. What if every time an education bill were introduced, we responded by saying that we would not see the results for 12 years so let us not do it. What if I told my child not to go to college because they would not see a payoff for at least four years so do not bother. We are financially dying and our so-called leaders are regurgitating some of the stupidest things I have ever heard.

The bottom line is this: This planet does not exist for its own sake, it exists for ours. We are not here by some cosmic accident; we are here by design and our designer gave us the tools we need to live and prosper. The failure to drill for new oil and create new refineries is the result of environmental philosophies, which are based on evolutionary thinking. To the environmentalist, our purpose here is no more significant than that of

any other animal, and we, by accident of evolution, happen to have the power to sustain or destroy this environment. Without a cosmic caretaker, the earth itself becomes our only god and the environmentalist shows his worship by reducing or eliminating human impact upon it and by treating humans as vermin. It is an old religion and I am tired of suffering at the hands of it is misguided priests.

Please do your best to release energy, specifically nuclear and oil, to the free market system. Irrational environmental policy and regulation have prohibited natural market forces from creating more supply and oil-pricing based on speculation has prevented the market from determining price. Imagine going to Wal-Mart to buy a t-shirt and finding that they now cost \$100; and when you ask the owner why this was so, he replies that speculators determined that cotton crops would fail next year, so in preparation they have raised prices early. As you know, this is not how prices are determined. The cotton producer charges as much as he can based on his costs and competitors prices and Wal-Mart charges a markup. If cotton crops indeed fail next year, then the buyer pays more for the rare product and they pass the increase to the consumer. When oil speculators set price, we pay increases at the pumps whether those speculations came true or not. There is no real connection to supply. Please work to make this kind of price setting illegal and please work to release drilling and refinement. The further we remove a commodity from the free market grid by socialist controls and uneducated environmental policy the more the people, you claim to represent, are hurt. Make the American dream possible by making it affordable.

JASON, *Boise.*

The rising cost of fuel has a tremendous effect on my household consisting of my husband and myself. I am sole support for our family. Senator, as you know, wages in Idaho fall behind many other states. The cost of gas is outrageous and I blame the Congress for a lot of it. Why are we not drilling in Alaska? Why are we not building refineries away from coasts where hurricanes have a tendency to hit? Why are not all of our refineries running full bore?

There was a Democratic senator from the South who retired, I forget his name but he wrote a book, "A Grand Party No More". Before he retired, he went to see for himself where we would drill in Alaska. He said there would be no harm to anyone or anything, it is so far out in no man's land. He said if there was a leak it would be of no consequence as it would freeze the minute it hit the ground. It is time we push the environmentalists to the wall and out of the way. I believe in saving trees and wildlife, but there is no danger to any of these where we would drill. I recognize that we need to become independent of so much oil but how do we do that. I drive a '95 Forerunner and it is paid for. Not the best gas mileage but it is paid for. I cannot afford any kind of a car payment for one of those new hybrids. Rebates are nothing, \$2,000 in exchange for \$26,000? The cost of a new car buys an awful lot of gas. My income does not allow for any car payment.

Everything is going crazy! A loaf of bread that cost \$2.89 last year is now \$4.29. Anything with corn or wheat is gone out of sight. We pay farmers not to grow wheat and now I hear we have to import it? How sad for America. America has sold its soul to China, Mexico, Japan. If we were ever to go into another world war, we could not even build what we would need to fight it. Is there a steel mill left in America? Is there a textile mill left in America? You would be pretty

hard pressed to find one, a sad statement on us.

As to what I do? No trips during the week except to work and back. If I can do any errand on the way, great, otherwise, it waits till the weekend. I plan one trip, one circle. If something is missed, too bad, it is missed. The real clincher is this, I tithe to my church, I give the Lord 10% of my gross income. It costs me almost as much, \$10 less, to keep my car in gasoline between paychecks. Now I think it is pretty awful when I have to give the gas company as much as I give the Lord. He gives me everything I have, the gas company gives me nothing except anger when I hear of the profits they make. And I think that pretty well sums it up, 10% to the Lord vs. almost as much to the gas company!

DIANNE, *Hayden Lake.*

I am a taxi driver here in Boise. In a year's time, the cost to fill my tank has increased nearly 100% but my average fare has remained static. If it were not for my military retirement, I would no longer make enough to cover basic costs and make a profit. I am 61 years old and am not practiced in a marketable skill so the prospect of making a move to another occupation is nil. My only reasonable hope is that Boise will increase our per mile fees in the near future; it is unlikely that fuel prices will decrease in the near future.

I have been watching your position on domestic drilling with interest. Though alternative energy sources are imperative for the future of America, I am pleased to see that you share my position that energy self-reliance is the immediate solution to our present crisis. I applaud you and urge you to continue your good work and prosecute this agenda with rigor.

EARLE, *Boise.*

Not only is the fuel much too high but I cannot find employment. I am over 60, have experience, but it seems I am "over-qualified" or I need more "experience". What a lot of rubbish! I call it age discrimination, but that is difficult to prove. With the fuel prices so high, if I do find employment, it will take a huge chunk of my pay just to get back and forth to work. Are unemployment benefits going to be extended for Idaho residents? My benefits ended this week, no hope of a job in sight and my husband can not work due to medical reasons. What is a person to do?

Getting Desperate.

JANET, *Emmett.*

As Director of Gritman Adult Day Health which provides day health care for elders who want to remain in their own home in Moscow and Latah County, I am including an article from the NY Times which talks about the cost of gas and how it affects rural elderly. It is very sad that these folks who often aren't able to drive are so affected by the cost of gas. Please do everything you can to remedy this: [http://online.wsj.com/article/SB121263496261947543.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB121263496261947543.html?mod=googlenews_wsj)

BARB, *Moscow.*

Gasoline prices are now far too high for the average family, and causing increasing rises in the cost of living in many other areas. For instance, every time one goes to the grocery store, an increase in pricing is noted on items, and thus causing many to have to go without needed supplies. Saving a percentage of income has become just a dream for many, and others cannot make ends meet without going into further debt.

BEVERLY, *Parma.*

Yes, gas has gotten way out of hand. Do what you can to decrease the costs and return to a life with some normalcy.

DIANA, *Kootenai.*

Thank you for at least noticing that we have a problem with the cost. I do not believe, however, that anything can be done with out us paying somewhere else. I make a good living working for the military here in Boise but am still unable to put any money aside. It is funny that every time we receive a pay raise that the price of fuel goes up and our health care premiums grow as well, so you never see any savings. Thanks again; good luck with this effort.

CLINTON, *Emmett.*

#### RETIREMENT OF WAYNE RIDDLE

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Wayne Riddle, who is retiring at the end of this year from the Congressional Research Service. Wayne is the model of a dedicated and talented public servant. He has spent his career working out of the public eye for the greater good, providing excellent assistance to all of us in Congress for over three decades, and also taking time to mentor younger staffers.

Wayne is a graduate of the University of Virginia. He earned a master's degree in economics from George Washington University while working at the Congressional Research Service, where he has spent the past 36 years serving as a key analyst on elementary and secondary education, and twice as head of the Education and Labor Section at CRS.

Throughout that time, Congress has given high priority to strengthening the Nation's schools, and Wayne has been helping us immensely every step of the way. He began not long after the passage of the original Elementary and Secondary Education Act of 1965—the Federal Government's major program to improve educational opportunities for low-income students. Wayne has been indispensable in our work on every subsequent reauthorization of the act and on all our other efforts on elementary and secondary education, including the Goals 2000 Act during the Clinton administration and the No Child Left Behind Act during the current Bush administration. His guidance, support and knowledge on issues big and small have been invaluable to us time and again.

As Wayne retires to devote more time to his family, I know that his colleagues at CRS will miss him, and so will we. I wish him a long, healthy, and happy retirement. He certainly deserves it, because he has served our country well, and made a very real difference in the lives of countless children who have benefited in their education because of his expertise and dedication.

#### REMEMBERING TONY DEAN

Mr. JOHNSON. Mr. President, today I wish to recognize the passing of a very

close friend of mine, Tony Dean. As one of this Nation's foremost conservationists, one would be hard put to find someone who cared more about wildlife and the environment. Tony passed away on October 19.

I had known Tony for years with his radio and television broadcasting, but I was fortunate enough to get to know him much better in my 2002 Senate campaign. He told me that he was willing to do whatever I needed him to do, and he was honest to his word. With his natural and effective connection to television viewers, Tony starred in two commercials that were critical to the success of my 2002 campaign. I have no doubt that Tony's support was crucial, though it resulted in many tests to his courage. Even amidst the backlash of his supporting my campaign, he said, "Tim, I know I did the right thing, and I'd do it again in a second." Tony stared down the people who threatened him, and he refused to blink.

During Senator TED KENNEDY's eulogy of his brother Robert, Senator KENNEDY stated that, "Few are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world that yields most painfully to change." Tony had all those qualities, though most importantly, moral courage. And Tony Dean had moral courage in spades.

It was my pleasure to have worked with Tony and I would like to offer my condolences to his family, friends, and fellow advocates. They have much to be proud of, and it is my hope that their memories will be rich with the great many accomplishments he achieved during his career. Those of us who loved him pray that what he was to us and what he wished for others will someday come to pass for the world. We will miss you, Tony. More than any of us can say.

#### FORT POLK BARRACKS PRIVATIZATION PILOT PROGRAM

Ms. LANDRIEU. Mr. President, on September 27, the Senate passed the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, which the President signed into law on October 14. The legislation includes critical provisions that will directly improve the quality of life for our men and women in uniform, support needed reforms in the operations of the Department of Defense and provide our soldiers, sailors, Air Force personnel and marines with the tools they need to defend our freedom. I thank and commend Senator LEVIN and our colleagues on the Armed Services Committee for the thorough work on this detailed legislation and their perseverance in crafting the legislation in a difficult and at times uncertain process.

There were a number of filed floor amendments to the bill that were not